



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 12, 2009

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Annette Lewis, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20090618 Dave Coleman, Recognition

Proclamation recognizing Marietta Golf Center as winning for the second year in a row the top 100 driving ranges in the United States.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

- * 20090819 Regular Meeting - July 8, 2009
Review and approval of the July 8, 2009 regular meeting minutes.
- * 20090820 Special Meeting - July 30, 2009
Review and approval of the July 30, 2009 special meeting minutes.

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20090411 Z2009-10 Neil Bishop 367 Glover Street, 547 Atlanta Street, 537 Atlanta Street and 345 Hawkins Street

Z2009-10 [REZONING] NEIL BISHOP request rezoning for property located in Land Lot 02900, District 17, Parcels 0170, 0150, 0160 and 0890, 2nd Section, Marietta, Cobb County, Georgia and being known as 367 Glover Street, 547 and 537 Atlanta Street and 345 Hawkins Street from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 3.

Planning Commission recommends approval w/variances and stipulations

Vote: 5 - 0 - 0

Motion: Mrs. Sonnenfeld made a motion to recommend approval to City Council, with the following variances and stipulations, seconded by Mr. Gillis.

Variances:

- *Variance to reduce the setback on the eastern property line adjacent to the existing residence to 5 feet;*
- *Variance to reduce the setback on the northern property line adjacent to the restaurant to 5 feet;*
- *Variance to reduce the setback on the eastern property line adjacent to the restaurant to 10 feet;*
- *Variance to reduce the setback along Glover Street to 10 feet;*
- *Variance to allow a single story height for the existing café building;*
- *Variance to increase the maximum setback along the public street from 75 feet to 125 feet for the restaurant;*
- *Variance to reduce the setback along Hawkins Street to 20 feet.*

Stipulations:

- *Stipulation to allow the café to continue to produce and sell some of its bakery products at wholesale as a supplement to the café business;*
- *Stipulation to allow the house on Hawkins Street to continue to be used for residential purposes until such time as it is feasible to renovate it for restaurant or special event purposes.*

PUBLIC HEARING (all parties are sworn in)

20090670 Z2009-14 Acme American, LLC 2265 Kingston Court

Z2009-14 [SPECIAL LAND USE PERMIT] ACME AMERICAN, LLC (JOEL DIGBY) request Special Land Use Permit (to operate an extended stay facility) for property located in Land Lots 726 and 787, District 17, a portion of parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 2265 Kingston Court, Building 200, and being zoned OHR (Office High Rise). Ward 7.

Planning Commission recommends denial

Vote: 4 - 0 - 1 Mr. Carter abstained

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

- * **20090747 Code Enforcement - 1177-A Bellemeade Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1177 Bellemeade Drive.
Listed Owner: Eun & Agnes, Inc.
Repeat Violation History: (1) previous case since 05/06/09.
Certified mail receipt not received as of 07-29-09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20090784 Code Enforcement - 711 Bothwell Place**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 711 Bothwell Place.
Listed Owner: Ortiz Guevara Jose L & Martin
Repeat Violation History: None
Certified mail receipt returned 07-07-09, "Unable to Forward."
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20090805 Code Enforcement - 1375 Blanche Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1375 Blanche Drive.
Listed Owner: Pottle Jeffrey J. & Mellissa J.
Repeat Violation History: (7) previous cases since 05/02/06.
Certified mail receipt not received as of 07/30/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20090806 Code Enforcement - 1503 Church Street Extension**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1503 Church Street Extension.
Listed Owner: Kwon Phil
Current Owner: Smith Brennon
Repeat Violation History: (1) previous case sine 05/07/08.
Certified mail receipt not received as of 07/30/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

RESOLUTIONS:

CITY ATTORNEY'S REPORT:**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20090763 Section 8 Management Assessment Program (SEMAP) 2009 Certification**

Approval of a Resolution authorizing the acceptance of the Section Eight Management Assessment Program (SEMAP) 2009 Certification.

2. Finance/Investment: Annette Lewis, Chairperson**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****20090775 Caswell Overlook**

Motion to approve a request from Corbitt Woods of Caswell Overlook to modify the previously approved architectural renderings associated with the Detailed Plan for Caswell Overlook. The attached architectural renderings shall only be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council would continue to be required of the applicant and/or developer. The original Detailed Plan was approved on May 24, 2006 (#20060582). Ward 1.

*** 20090781 Delk Road LCI 5-year Plan Update**

Approval of a Resolution approving the updated Delk Road Livable Centers Initiatives (LCI) Study that was adopted by Mayor and City Council January 12, 2005. The Atlanta Regional Commission (ARC) requires that every jurisdiction that has conducted an LCI study, complete a 5-Year update of the study and provide a status and implementation report.

*** 20090788 Automated Red-Light Enforcement**

Ordinance modifying Code Section 10-4-170 due to recent legislative changes to state statute and consideration of proposal by Municipal Court to amend sanctions for failure to comply.

*** 20090651 Precinct Boundary Changes**

Approval of an Ordinance amending Section 1-6-080 of the Marietta Code of Ordinances to change the polling locations for Wards 2, 4 and 6.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson**20090823 Code Change to allow bicycles in Burruss & Wildwood**

Ordinance amending City Code Section 10-4-120 so as to permit the riding of bicycles, on designated trails specified by routing signage in Burruss & Wildwood Parks.

20090824 Dog Parks

Approval of an Ordinance amending Code Section 10-4-200, "dog parks and off-leash areas" creating an off-leash area in Wildwood Park.

20090706 Parks and Recreation Bond Referendum/Park Improvements

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$30,000,000; to provide for the date, rate or rates of interest, and schedule of maturities that such bonds shall bear and that the bonds may be made subject to redemption prior to maturity to the extent permitted by law; to provide for the levy and collection of taxes to service such bonded indebtedness, if so authorized; to provide that the bonds authorized may be issued in one or more series and on one or more dates of issuance; and for other purposes.

5. Personnel/Insurance: Van Pearlberg, Chairperson*** 20090778 Insurance Renewal**

Motion approving property casualty and other miscellaneous coverages, premiums and companies utilized for the policy period of August 17, 2009 to August 16, 2010 as follows

1. Trident/Argonaut through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for the following coverages: GL, Law, Public Officials [City & BLW], Property, Flood, Earthquake, Terrorism, Inland Marine, Boiler & Machinery, Public Employee Blanket Crime.
2. Midwest Insurance Co. through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for Excess Workers' Compensation.
3. Travelers Casualty & Surety., through BB&T/McGriff, Seibels & Williams of Georgia, Inc. as Brokers for Fiduciary Responsibility, various Public Officials' Bonds and the BLW Pole Attachment Bond for Bell South Telecommunication, Inc.

6. Public Safety Committee: Anthony Coleman, Chairperson**20090765 Marietta inmates**

Motion to approve an Intergovernmental Agreement with Smyrna to house Marietta Police Department inmates.

7. Public Works Committee: Jim King, Chairperson**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****OTHER BUSINESS:***** 20090845 Partial property acquisitions and easements**

Motion authorizing partial property acquisition and easement of the following properties:

127 S. Fairground St. from Edgar H. Pounds in exchange for \$4,300 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

749 Roswell Street from HKFS in exchange for \$3,160 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr.-Cobb Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$47,100 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

1176 Franklin Road from Franklin Delk Properties in exchange for \$3,350 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Franklin Rd. Improvements (S. Marietta Pkwy-Delk Rd.)

795 Powder Springs Road from NAJCO, Inc in exchange for \$90,200 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

803 Powder Springs Road from NAJCO, Inc in exchange for \$4,950 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

* **20090846 Donation of construction and driveway easements**

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following property 256 Kennesaw Ave. (Mary Mayne Ramsey) - with stipulation that all possible care should be exhibited so as not to disturb or otherwise damage the existing steps. In the event of such damage, repair and replacement shall be made using like style and materials. Existing shrubs are not to be removed or damaged. If trimming is needed, trim minimally in order to complete work. Any damaged shrub that results in death of one year of project completion, said shrub shall be replaced with compatible species closest in size and density as possible.

* **20090848 528 N. Marietta Pkwy**

Motion to authorize the acquisition of property owned by Covenant Christian Ministries Church at 528 N. Marietta Parkway on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Council Member Anthony Coleman voting against.

* **20090851 65 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Charlie Haley at 65 N. Fairground Street on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20090821 BLW Actions of August 10, 2009**

Review and approval of the August 10, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW).

ADJOURNMENT: